

From: Norman Yamada
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

The current settlement with Microsoft is unacceptable for many reasons.

I have three particular concerns:

- 1) that the proposed settlement doesn't force Microsoft to release any of its file formats;
- 2) the proposed settlement doesn't force Microsoft to disclose which of its patents protect the Windows API;
- and 3) that the proposed settlement allows Microsoft to continue its anticompetitive licensing terms against Open Source apps on Windows; and to continue to retaliate against OEMs who ship competing Operating Systems.

Comment on 1):

I consult for a small (Wall Street) financial trading company. We use Linux and OpenBSD for many of our servers (and have used many varieties of UNIX for many years); while our traders and office personnel tend to use Microsoft Office and NT/2000 for their workstations. As Microsoft began its transition from NT to 2000, and now XP, we have been hampered numerous times by problems caused by Microsoft deliberately breaking compatibility in its Office Suite programs and its OSs between these versions.

Worse yet, Microsoft claims its formats are compatible between versions. They're not. A Powerpoint97 document can be opened in Powerpoint 2000, and all the text and pages are readable -- but the formatting is not accurately reproduced.

As far as I could see, these compatibility problems were not caused because Microsoft was adding new functionality to its Office Suite programs or to its OS -- rather, they just were attempts to force us to upgrade all our systems to Microsoft's latest software.

For most of our needs, a simple (and accurate) file converter from Office97 apps to Office2000/OfficeXP apps would suffice. But there isn't such a thing. We don't need the new functionality of these later suites -- and we don't want them. But at the moment, we are being forced into a needlessly complex and expensive upgrade of our entire network in order to keep our files compatible with other companies.

Forcing Microsoft to release all its file formats would break this cycle. While some of the Office file formats are well known--Excel and Word, for example--the file format for Powerpoint (PPT) is completely undocumented. Most of our problems are with this format. Needless to say, since Microsoft only releases the specifications of this format to "approved" developers, it's unlikely that any company (or private developer) will offer a converter program to change Office XP presentations back to Office 97.

Comment on 2):

We would consider purchasing only Office XP, and not convert to Windows XP -- but the tight coupling between Microsoft's OS and these applications make it impossible. While I've looked at open source projects such as WINE (and commercial ventures such as CodeWeavers)--which try to let users run binary Windows apps on non-Windows OS (by emulating the Windows API calls)--our company has not used them, since we've heard from MainWin developers that these open source projects "infringe" on Microsoft's patents on the Windows API. Since Microsoft is not forced to release patent information -- how can these projects know if they're in jeopardy or not?

Comment on 3):

Most consumers buy computers pre-installed with software; and don't add much software on their own. As long as they only have the choice of pre-installed Microsoft OS and Microsoft Apps -- or nothing -- I think Microsoft's stranglehold on the industry will continue.

This block could easily change, if OEMs offered other OS and applications pre-installed on their computers. Since Linux and the BSDs charge no licensing fees for their OSs and applications, consumers would get the benefit of cheaper pre-installed computers, to boot.

But since under the proposed settlement, Microsoft is allowed to continue penalizing OEMs who offer non-Microsoft OS computers, OEMs have a strong disincentive to offer other platforms to consumers -- and Microsoft's dominance will like continue.

Thank you for your time; but the proposed settlement is (in my view) completely unacceptable.

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Norman Yamada

nyamada@pobox.com
338 E. 13th Street, #4A
New York, NY 10003